

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES CARLIN,

No. C 10-3156 SI (pr)

Petitioner,

**ORDER EXTENDING DEADLINES  
AND DENYING REQUEST FOR  
COUNSEL**

v.

VINCE CULLEN, warden,

Respondent.

Petitioner has filed an application for (a) a 60-day extension of the deadline for him to file his opposition to respondent's motion to dismiss and (b) appointment of counsel. (Docket # 5.)

Upon due consideration, the court grants the requested extension of time. No later than **February 4, 2011**, petitioner must file and serve on respondent's counsel any opposition to the motion to dismiss. No later than **February 18, 2011**, respondent must file and serve his reply brief (if any) in support of his motion to dismiss.

The request for appointment of counsel is DENIED. A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation." 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to

1 prevent due process violations. See id. The interests of justice do not require appointment of  
2 counsel in this action.

3 IT IS SO ORDERED.

4 DATED: December 10, 2010

  
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SUSAN ILLSTON  
United States District Judge